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IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

DEBBIE WICKETT, CL.  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA.

184038  
WALTER S. AYERY  
Full name and prison number  
of plaintiff(s)

v.

ELCINE Kirby

JERRY WILSON

JAY JONES - Sheriff

Major Torbert

Name of person(s) who violated  
your constitutional rights.  
(List the names of all the  
persons.)

CIVIL ACTION NO. 3:06CV960-WKW  
(To be supplied by Clerk of  
U.S. District Court)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ( ) NO (✓)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES (✓) NO ( )
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) WALTER S. AYERY - 184038

Defendant(s) Sheriff Jay Jones - Major  
Torbert

2. Court (if federal court, name the district; if state court, name the county) middle

district in Mont.

3. Docket number \_\_\_\_\_
4. Name of judge to whom case was assigned I think  
Judge Coors
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) defendant  
Filed motion for more time to file Special Report
6. Approximate date of filing lawsuit June 9th 2005
7. Approximate date of disposition \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT Opelika City Jail

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Opelika  
City Jail

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

	NAME	ADDRESS
1.	<u>Elaine Kirby</u>	<u>501 S. 10th St Opelika</u>
2.	<u>Sherry Lalison</u>	<u>501 S. 10th St Opelika</u>
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED 10-9-06

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: The Judge gave me Jail Credit  
in Court but the Magistrate said I  
did not receive the Credit.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

I went to Court the 19<sup>th</sup> of Sept for Driving while Lic. Revoked and Receiving stolen prop. I received 90 days for DWLR and 30 for Receiving stolen prop. the 90 was suspended I was Arrested on the 7<sup>th</sup> of Sept. on charges.

GROUND TWO: upon being placed on probation for having  
the 90 days suspended and per fine's

**SUPPORTING FACTS:** The Probation Officer said the  
Magistrate wrote down that the Judge Wilkes  
gave me 180 days for the DWLR and 90  
for the Receiving Stolen Prop which is my first  
charge in this manner. I told them what the

Judge gave me they said I have a misunderstanding

GROUND THREE: I was taken to County on 9th of Sept. on other charges, after being arrested on 7th of Sept.

SUPPORTING FACTS: I stayed in County from 9<sup>th</sup> Sept to 18<sup>th</sup> of Sept for which I'm not asking for Jail credit for City time (30 days) on 18<sup>th</sup> Sept I was sentenced by JP, City (30 days) to serve I went back to county and made bond on the 2nd of Oct for which I am asking for credit. (16 days) and days

I stayed in city until I went to County (Sept. 7<sup>th</sup> to 9<sup>th</sup>)

Totalling 19 days, my city cages was not continued until I made bond. The Judge said my time was to start as of date of sentence. The magistrate said it wasn't.

I was released from country before receiving special report on previous civil action suit. Upon release I wrote letter to lawyer for defendants and to mont. courts, giving address for mail. I never received mail from lawyer for defendants or courts in mont. but later a person at country club said mail went

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.  
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

Would like to receive justice in my  
sentencing on the

184038  
Walter J. Avery  
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true  
and correct.

EXECUTED on 10-19-06  
(Date)

184038  
Walter J. Avery  
Signature of plaintiff(s)